

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, LLC,
Plaintiff.

V.

KENNETH R. LAY, in his official capacity as
Secretary of the North Carolina Department of
Revenue,
Defendant.

JANE DOE 1, JANE DOE 2,
JANE DOE 4, JANE DOE 5,
AND CECIL BOTHWELL,
Plaintiffs-Intervenors.

V.

KENNETH R. LAY, in his official capacity as Secretary of the North Carolina Department of Revenue, and AMAZON.COM, LLC,
Defendants in Intervention

No. 2:10-cv-00664-MJP

**DECLARATION OF JANE DOE 1 IN
SUPPORT OF MOTION TO FILE
COMPLAINT IN INTERVENTION
USING PSEUDONYMS**

JANE DOE 1 DECLARATION -- 1
No. 2:10-cv-00664-MJP

**AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON**

1 I, Jane Doe 1,¹ hereby declare and state as follows:

2 1. I submit this declaration based on my personal knowledge in support of

3 Intervenors' Motion to File Complaint in Intervention Using Pseudonyms, in the above-captioned
4 case.

5 2. I am one of the Intervenors in this action.

6 3. I am employed as a systems engineer and a resident of Raleigh, North Carolina.

7 4. I have purchased numerous items from Amazon since August 2003.

8 5. The products I have purchased reveal very sensitive, personal, and private
9 information about me and some of the difficulties I have had to go through.

10 6. Over the course of our marriage, my former spouse developed a substance abuse
11 problem. As my former spouse's substance abuse problems escalated, my former spouse became
12 violent and threatened to kill me, requiring intervention from the police. I subsequently
13 purchased self-help books from Amazon to understand the problems better and to, among other
14 things, obtain a divorce and secure a restraining order against my former spouse to protect me
15 and my child. Examples of those books include: "You Don't Need A Lawyer," by James
16 Kramon, "Represent Yourself In Court: How to Prepare & Try A Winning Case," by Paul
17 Bergman, "Practical Guide to Family Law," by Matthew S. Cornick, and "How To File For
18 Divorce in North Carolina: With Forms," by Jacqueline D. Stanley.

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25 1 This is not my real name. I am proceeding under a pseudonym in order to protect my
26 constitutional right to free speech and privacy.

1 7. I recently established a new life for my family after obtaining a divorce from my
2 abusive spouse and securing sole custody over my child. Having to go through this situation was
3 traumatic, life-changing and deeply private for me. It is critical to me that my purchasing record
4 on Amazon be kept private and confidential, and that no one obtains this information about
5 something that was so devastating and personal to me.

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7 8. In addition, as a recognized expert in information systems security, my reputation
8 and image is very important to me. My ability to retain clients and procure new business is tied
9 to my reputation. A review of my Amazon purchase history would reveal the most intimate of
10 family and personal problems, and, without knowing the full story, it might lead someone to
11 paint an erroneous picture about me.

12
13 9. I have also purchased numerous other books from Amazon since 2003 that reveal
14 sensitive and highly personal information. Examples include politically-charged books like
15 “Laura Bush: An Intimate Portrait of the First Lady,” by Ronald Kessler, “Hoodwinked: The
16 Documents That Reveal How Bush Sold Us A War,” by John Prados, and “Body of Secrets:
17 Anatomy of the Ultra-Secret National Security Agency,” by James Bamford. I do not want
18 others to know that I have purchased these, and other, books because I am afraid that they might
19 lead someone to jump to conclusions about my political or social beliefs and values, and that my
20 reputation, career and family life might be put in jeopardy by people who may not agree with the
21 points of view expressed in many of these books.

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JANE DOE 1 DECLARATION -- 3
No. 2:10-cv-00664-MJP

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(206) 624-2184

1 10. The possibility that DOR might obtain my purchasing record from Amazon has
2 made me extremely upset and anxious. I have little confidence in DOR's ability to keep
3 computer records of private information secure, and I am concerned that if my information ends
4 up in DOR's hands, there is a realistic chance that it will be disclosed. For example, several
5 years ago, I received information about another taxpayer in an envelope addressed to me. That
6 person was not related to me. The statement included highly sensitive tax data.
7

8 11. My records about the items that I have chosen to purchase through Amazon
9 contain very personal and private information, and I have not publicly disclosed that information
10 to others.

11 12. I did not know that my purchasing records from Amazon would be accessible to
12 the State of North Carolina. Had I known that this information would be accessible to DOR, I
13 would have considered purchasing the items from another source.

14 13. I would like to and intend to continue purchasing and receiving expressive and
15 private items through Amazon in the future. That may change, however, at least for certain
16 items, if my records are turned over to the State of North Carolina. At a minimum, my behavior
17 will be changed as each time I purchase certain items, I will seriously have to consider whether to
18 purchase those items through Amazon and to consider what it would mean if the State obtained
19 that information.

20 14. I have purchased numerous expressive and private items from websites other than
21 Amazon in the past, and I would like to and intend to continue doing that in the future. That may
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1 also change, however, if the State is permitted to obtain my Amazon purchasing records. It is
2 likely that I will simply not purchase certain items through websites if the State is able to obtain
3 that information. At a minimum, my behavior will be changed as I will seriously have to
4 consider whether to purchase certain items through websites and to consider what it would mean
5 if the State obtained that information.

7 15. Although I want to protect my right to free speech and privacy in what I read,
8 watch, listen to, or purchase, I also want to be able to assert my right to free speech and privacy
9 in court in order to ensure that DOR does not receive personally identifying information from
10 Amazon that reveals my private and expressive information about which items I have purchased.
11 The only way for me to do that is to proceed under a pseudonym, because otherwise, DOR will
12 obtain the very information – my name and the specific items I have purchased through Amazon
13 – that my Complaint in Intervention is seeking to protect.

16 16. Neither my name nor any other personally identifying information about me
17 (including my image) will be revealed in any public statements that I or my representatives make
18 about this case.

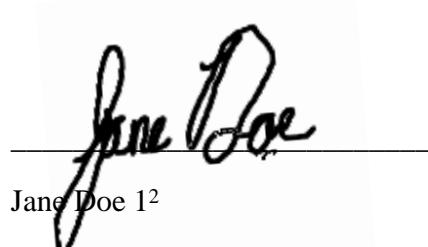
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JANE DOE 1 DECLARATION -- 5
No. 2:10-cv-00664-MJP

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1 Pursuant to 28 U.S.C. § 1746, I hereby declare and state under penalty of perjury that the
2 foregoing is true and correct to the best of my knowledge, information, and belief.
3

4 DATED this 18th day of June, 2010
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Jane Doe 1²

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2 As noted above, this is a pseudonym.